

Serial No. 10/589,939

Office Action dated: September 16, 2009

Amendment A dated: December 16, 2009

Amendments to the Drawings:

Replacement drawings including Figs. 1-5 are attached to this response.

REMARKS

Reconsideration of this application and the allowance of the rejected claims 1-10 are respectfully requested. Applicant has attempted to address every ground for rejection in the Office Action dated September 16, 2009 and believes the application is now in condition for allowance. The specification and claims have been amended to more clearly describe the present invention.

The Abstract is objected to because the Examiner states that it is “appears to be about 200 words in length.” Applicant has amended the Abstract as shown above to be within the 150 word limit.

The drawings are objected to because the Examiner states that a copy of the drawings were not filed separately with the application. Applicant notes that the drawings should have been received by the Examiner with the PCT application as is appropriate for Section 371 applications. In support, the U.S. Patent Office Notice of Acceptance indicates that the drawings filed August 18, 2006 were received. Nevertheless, Applicant has provided replacement drawings with this response.

Claim 3 is objected to because of an informality. Specifically, the Examiner states that the word “is” should be deleted from before the word “located.” Applicant has amended claim 3 in accordance with the Examiner’s suggestion and therefore requests that the objection of claim 3 be withdrawn.

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the Examiner cites several informalities in the claims that require correction and/or clarification. Applicant has amended the claims to correct the informalities and clarify the claims. Accordingly, Applicant requests that the rejection of claims 1-10 under §112 be withdrawn.

Claims 1 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,921,503 to Browning. Applicant disagrees with and traverses this rejection for the following reasons.

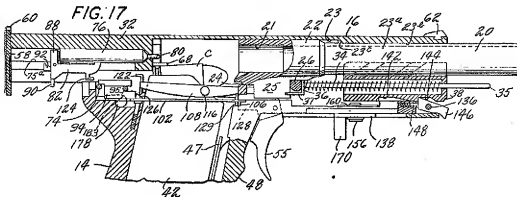
Browning discloses an automatic firearm having a barrel 20 (Fig. 16) and a one-handed slide retraction feature. A slide 16 is biased toward a forward position by a reaction spring 34. The spring 34 abuts against a friction block 38 located on the slide 16. A latch 146 connects the retractor 54 with the slide 16 to move the slide rearwardly in opposition to the reaction spring 34. Specifically, the friction block 38 includes notches 142 and 144 where the pivoting latch 146 is adapted to enter and engage one of the notches 142 and 144 to hold the retractor at a particular position. Thus in Browning, recoil is prevented by controlling movement of the slide relative to the grip or frame 14 (see Figs. 16, 17).

In contrast, amended claim 1 recites, among other things, a pistol including a first locking means and a second locking means where "the first locking means is a projection provided on the outer contour of the barrel and having a forward-facing first inclined surface, the second locking means is a lever

pivotably guided in the barrel slide and including a dog having a rearward-facing, second inclined surface cooperating with the first inclined surface, and the unlocking means is a stop provided in the grip and cooperating with a lug of the barrel; wherein an angle of inclination of the first and second inclined surfaces respective of the barrel and the lever are configured such that the first and second inclined surfaces slide off each other when the barrel impacts against the stop and the barrel slide continues its movement, and wherein the lever is pivoted against the force of a spring such that the dog releases the barrel slide.” Browning fails to disclose such subject matter.

In Browning, the first locking means, i.e., the friction block 38, includes notches 142 and 144 and is connected to the slide as shown in Fig. 17 and discussed in Col. 5, lines 33-41. The reaction spring 34 abuts against the friction block 38 at one end and is fixed to the frame 14 at the other end. The block 38 therefore moves with the slide relative to the frame. In contrast in amended claim 1, the first locking means, i.e., the projections 29, are on the barrel 3 and are engaged by pivoting levers 20 on the barrel slide 2. The slide 2 therefore moves relative to the barrel 3. Thus, Browning controls movement of the slide relative to the grip or frame 14 whereas the claimed invention controls movement of the slide relative to the barrel.

Additionally as shown in Fig. 17 of Browning, the pivoting latch 146 does not include a rearward-facing inclined surface that contacts or otherwise interacts with the inclined surface of the projection 38.



As stated above, the pivoting latch 146 in Browning engages one of the notches 142 and 144 where the spring-pressed plunger 148 biases the latch into one of the notches. Browning does not disclose any type of inclined surfaces that engage or otherwise slide off each other to allow the barrel slide and continue moving in a rearward direction. As shown in Fig. 17 above, the flat vertical surface of each notch engages a flat vertical surface of the latch so that the latch is held in the notch. Also, the contacting vertical surfaces of the notches and the latch are not meant to slide off each other. If the vertical surfaces could slide relative to each other, the latch would not stay in place.

The Examiner also states that the vertical surface of the latch is the “rearward facing second inclined surface” of amended claim 1 (see the Office Action, page 6). Applicant disagrees. The vertical surface of the latch is not

inclined and also does not face rearward. Also as stated above, the vertical surface of the latch engages a vertical surface of the notch and not an inclined surface.

New claim 11 depends from amended claim 1 and further recites, among other things, that the pistol includes “first locking means [that] includes two projections provided on the outer contour on opposing sides of the barrel” and the “second locking means including two levers that are each pivotably guided in the barrel slide and include a dog having a rearward-facing, second inclined surface cooperating with the respective first inclined surfaces of the first locking means” where “an angle of inclination of the first and second inclined surfaces respective of the barrel and the lever are configured such that the first and second inclined surfaces slide off each other when the barrel impacts against the stop and the barrel slide continues its movement, and wherein each of the levers is pivoted against the force of a spring such that each dog releases the barrel slide.” Browning fails to disclose or suggest providing multiple engaging latches and notches as recited in new claim 11. Furthermore, Applicant submits that there is no need for additional latches and notches in the pistol in Browning because adding such features involves adding more moving parts to the pistol that could be damaged and/or broken during use thereby affecting the operation of the pistol and increasing costs.

For at least these reasons, Applicant submits that amended claim 1 and the claims that depend therefrom are each patentably distinguished over Browning and in condition for allowance.

Claims 2-4 and 6-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Browning. Claims 2-4 and 6-10 depend from amended claim 1. Therefore, Applicant submits that claims 2-4 and 6-10 are patentably distinguished over Browning for the reasons provided above.

In view of the above remarks, the application is respectfully submitted to be in allowable form. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues, which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By /Christopher S. Hermanson/
Christopher S. Hermanson
Registration No. 48,244

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300 S. Wacker Drive, Suite 2500
Chicago, Illinois 60606-6501
Telephone: (312) 360-0080
Facsimile: (312) 360-9315
Customer No. 24978